

Maryland Board of Pharmacy

Public Board Meeting Minutes

January 18, 2006

Attendance: John Balch, President, Jeanne Furman, Secretary, and Mark Levi, Treasurer

Commissioners: Margie Anne Bonnett, David Chason, Mayer Handelman, Donald Taylor, Rodney Taylor, Michael Souranis, and Don Yee

Staff: LaVerne Naesea, Executive Director, Linda Bethman, Board Counsel, Chandra Mouli, Pharmacist Compliance Officer, Colin Eversley, Compliance Investigator, Shirley Costley, Licensing Manager, Anna Jeffers, Legislative Officer, Summar Goodman, Public Information & Education Officer,

Absent: Joseph DeMino

Guests: Howard Schiff, Maryland Pharmacists Association, Steve Riggan, CVS, Jung Kim, Maryland Board of Pharmacy Intern, Mark Summerfield, University of Maryland

I. Record of Conflict of Interest

President Balch called the Public Meeting to order. There were no conflict of interest declarations. Guest attendees were asked to introduce themselves (see above).

II. Corrections to Minutes 12/21/05

Page 2

- Next to last line "8 to 4 states have already implemented the Model rules" change to "4 to 8 states have already implemented the Model rules".
- Under #3 "met with the School of Pharmacy" change to "met with representative of School of Pharmacy"

Page 3

- Under C "Assistant Attorney General" delete comma after word "General"

Page 4

- Under D1 "put a space after 05 at the Marriott Hotel."
- #2 "capitalization of Wholesaler Distributor" change to " wholesaler distributor"
- Under E "fundraising and the second position will provide clinical support." change to comma after "fundraising"
- Under F "A temp is filling in for the Compliance Specialist who has had long-term leave." change to "A temp is filling in for the Compliance Specialist who has been on long-term leave."
- Under V – PEAC "take out John McGrath's name out"
- Page 5 – B2 "spell out AELR" Communication on Joint Administrative Executive and Legislative Review

- Page 6 – add “s” to the pharmacist and “put a period after in a criminal court.”
- Page 7 under 4a – “state misspelled” corrected “*state*”
- Page 8 C2 – clarify sentence “There were no provision *in* the regulations to have a registration fee.” Last sentence – *change to read* “The name and contact information of physician who has signed Protocol is not required.”

Board Action: Unanimous vote approval of December 21, 2005 Minutes, with corrections.

III. President/Executive Committee Report – John Balch

John Balch announced upcoming elections for the Board’s Executive Committee. Nominations will be accepted at the next Board meeting, or they can be e-mailed to John.

IV. Executive Director’s Report – LaVerne Naesea

Ms. Naesea asked for approval for Ms. Furman and Mr. DeMino to attend the NABP National meeting. It was suggested that other members also attend the meeting.

LaVerne gave an overview of the Board’s 2005 Strategic Plan as well as an overview of the Board’s progress on the goals and objectives from the 2001 strategic plan. The five (5) year focus areas were reviewed and Board members were asked to review and submit comments

V. PEAC (Pharmacist Education and Assistance Committee) Client Update

Chandra Mouli reported the following:

27 cases

9 self referred

18 Board referred

1 discharged

LaVerne received PEAC’s proposal to split the Director’s position into two half-time positions, with different responsibilities. John Balch stated that he is irritated by the fact that neither John McGrath or any representative from PEAC has come to Board meetings recently, despite having been notified. If there has been a change in leadership, PEAC has failed to notify the Board. Since PEAC has a contractual obligation to the Board, and receives most of their funding from us, he expressed a total dissatisfaction with their performance. He recommended that the Board consider not renewing the current PEAC contract and explore other options to handle Board cases.

Motion: Rodney Taylor moved that the Board not renew the PEAC contract as it is now structured and proceed with exploring other options to handle Board referred cases.

Board Action: Unanimously voted not to renew PEAC's option.

VI. Legislation and Regulation manager Report – Anna Jeffers

A. Status of Legislative Proposals

Del. Stern's Wholesale Distribution legislation will go to Bill drafting this week. Delegate Stern is waiting for comments from the Board. Anna will forward the Board's concerns to Delegate. Stern. The current language in the Bill is subject to changed.

1. Registration of Technicians - waiting for latest version to come from Bill drafting.

B. Regulations Update

1. COMAR 10.34.32 – Pharmacist Administration of Influenza Vaccinations

Regulations were published in the Maryland Register December 23, 2005. Emergency Regulations were published in the Maryland Register January 6th with an effective date of December 16th.

2. COMAR 10.34.33 – Restrictions on the Sale of Pseudoephedrine

Regulations were published January 6, 2006. Howard Schiff commented that a Pharmacy Coalition would have input on this Bill.

C. Legislation

- 1) HB 41 - Controlled Dangerous Substances – Pseudoephedrine Products

No hearing date yet. It is expected to come up within the next few weeks.

- 2) HB 32 - State of Emer. Hlth. Care Pract. – Credentialing Programs for Emerg. Prep.

- 3) SB 102 – Health Care Facilities & Laboratories Accreditation Organizations – No hearing date scheduled.

- 4) SB 135 – Prescription Drugs label w/Audible Capabilities – no hearing date yet
- 5) SB 142 – Disclosures of Mental Health Records – no hearing dates.

Anna suggested that Board members read over the above Bills and give their comments to Don Taylor and Mark Levi. Anna stated she has emailed Board members where to find Bills of interest to the Board prior to Board meetings.

D. Tasks Forces

- 1) USB 797 – Report was presented before the Practice Committee.
- 2) Prescription Drug Repository Program Task Force – Anna gave a review of the Task force January 10th teleconference meeting. The Task Force discussed multiple volunteer drop-off points. In addition, central dispensing sites in each geographical area were discussed. Each site will be at a licensed pharmacy or medical facility. Anyone can make donations. Donors will need sign a donor release form. All drugs will be accepted except those needing refrigeration. The Task Force is researching how to handle donations of controlled substances. Federal Law (DEA) will have to be examined to see if this is possible. The possibility of other medical supplies being donated is also being looked at. There will be a nominal fee charged to patients.

VII. Administration and Public Support – LaVerne reported for Patricia Gaither

- A. Personnel Update - Chandra Mouli has resigned his position with BOP. Chandra will begin his new position with Drug Control February 1, 2006. LaVerne is planning to expedite recruitment for Chandra's position. Licensing unit has two open positions. Hiring for one of those positions will start soon. John Balch suggested that Shirley Costley's workload be closely monitoring, especially during the licensing renewal period.
- B. PIO Report – Summar Goodman
 1. Flower Mart is scheduled for May 5, 2006. The Board of Pharmacy is will have a booth at the cost of \$200. BOP is scheduled to exhibit at the Flower Mart on Friday only. This year's Flower Mart theme is "Maryland You are Beeu....tiful."
 2. Centenarians Recognition Luncheon - May 11th at Martin West- The Department of Aging will celebrate seniors who have reached the age one hundred. BOP will have a booth.
 3. Annual Report - The 2004 Annual Report has been completed.

3. District I/II

- C. Anna Leonhardt will be hired to help coordinate and do fundraising for this year's meeting. Board of Pharmacy staff met last week with two (2) representatives from the School of Pharmacy and Anna Leonhardt.

IX. Committee Reports

A. *Practice Committee Items*

Long Term Care Meeting

John Balch gave an update on LTC issues. OHCQ will be addressing the issue of placing a quarterly medication review by a Pharmacist in regulations. The Board of Nursing approved the concept.

1. Drug Therapy Management Joint Committee Update

Anna reported that the progress is going slowly. Both the BOP and the Physicians Board will have to approve the proposed protocol submitted by UMMC. Brian Grover, from UMMC, amended the protocol to address the concerns of the Physicians Board. Dr. Farrah still has concerns with notification of changes in drug therapy to the Physician. Mark Levi stated that he would speak to Brian Grover about the language in the protocol..

Board Action: Motion made to approve the protocol if the parties can agree on Language that addresses Dr. Farrah's concern.

Board Action: The Board unanimously voted to approve if the Language can be agreed upon.

2. Constituent Response Letters

a. University of Maryland Medical Center – Marc Summerfield

Mr. Summerfield, Director of Pharmacy at UMMC, questioned the Board's response to his inquiry about filling Omnicell units by technicians. The Board stated that current regulations require a system to be in place that assures the accurate filling of automated dispensing systems. Mr. Summerfield asked the Board what assurances did the Board require? Jeanne Furman suggested that he institute random auditing, until bar code verification was available, and asked that he provide the Board with a written proposal. Mr. Summerfield stated bar-coding system can be implemented within 8

mos – 1 year, but he will submit an interim process for approval by the Board.

Board Action: Mark Levi motioned to approve the restocking of the automated system, provided a plan for assuring accuracy, prior to bar coding, is submitted to the Board.

Board Action: Motion was approved.

- c. May a hospital pharmacy serve as a “back up” pharmacy for an infusion service during inclement weather

Board Action: The Board approved a letter be sent to the Pharmacy stating that during a true “emergency,” a hospital Pharmacy may provide backup. However, any anticipated interruptions of services would have to be licensed to provide such services.

- 3. HGO Full Committee Briefing – January 19, 2005 – LaVerne and BOP Intern plan to attend the meeting. LaVerne asked for suggestions from legislative perspective on medication errors.

B. *Licensing Committee* – Mike Souranis for Joe DeMino

- 4. November Statistics – Mike Souranis reported the following:

- 293 renewals for the month of December
- 264 pharmacists renewed as of December
- 29 non-renewals
 - 6 voluntarily quit
 - 0 tax liability
- 59 establishments
- 15 renewed late
- 0 non-closed
- Distributors – stats non available

- 5. Reinstatement Candidate – Rajat Kumar – Lic. Transfer

Rajat Kumar is currently on probation for 5 years and still has a suspended license. Mr. Kumar was reinstated with a listing of probation.

Board Action: The Board voted not to approve Rjat Kumar reciprocity to Maryland.

- 6. Administration of influenza Vaccine Registration Application

Shirley Costley presented the draft registration form for Pharmacists wishing to administer Influenza vaccine to the Board for approval.

Board Action: Board voted to unanimously approve registration form.

7. Post Card Renewal Reminder

Shirley presented a sample post card to be used to remind pharmacists to renew their licenses. A notice will be placed in upcoming Board Newsletters to inform Pharmacists that this will be the official notification that their license needs to be renewed.

Board Action: Board voted to unanimously to approve post card.

C. Disciplinary Committee – Mayer Handelman - no meeting was held

Board Action: Motion was made to close the Public session at 11:45. Motion passed unanimously.